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EXAMINER

RALIS, STEPHEN J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/507,222	Applicant(s) CARTIGNY ET AL.	
	Examiner Stephen J. Ralis	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/8/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/FR03/00755, filed on March 10, 2003.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claim(s) 1 of copending Application No. 10/507,223. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are merely obvious variations over the other set of claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4, 9, 10, 11, 13, 15, 16, 17, 18, 20, 21, 23, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the locking direction" in lines 3-4;

Claim 9 recites the limitation "the plane surface" in line 5;

Claim 10 recites the limitation "the radial direction" in line 3;

Claim 13 recites the limitation "the at least one respective jaw" in lines 4-5;

There are insufficient antecedent bases for these limitations in the claims.

Claim 11 recites the limitation "at least one jaw" in line 4. It is unclear to the examiner whether this is an additional "at least one jaw" or the same "at least one jaw" from the preceding claim 1.

Claim 15 recites the limitation "it" and claim 18 recites "its". It is unclear to the examiner to what these limitations refer to.

Claim 27 recites the limitation "the secondary control member" in lines 2-3.
There is insufficient antecedent basis for this limitation in the claim.

Claim 28 recites “the control-wheel-forming plate”, “the arms”, “the jaws”, etc.. There is insufficient antecedent basis for this limitation in the claim. Furthermore, the examiner queries applicant to the difference of between “the intermediate part (7)” and “the control-wheel-forming plate (7)” and other recitations that do not seem to correlate to the recitations in the parent claim 1.

In general, the claims are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The above notes are exemplary with respect to all of the 35 U.S.C. 112, second paragraph rejections present in the instant case, *all claims must be carefully reviewed and appropriate corrections should be made in response to this rejection.*

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-6, 8-14, 18, 19 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Makhijani (U.S. Patent No. 4,467,936).

Makhijani discloses an appliance for cooking food under pressure (Title), the appliance comprising at least: a vessel (sterilizer 16) and a lid (closure 10) for being fitted to and locked on the vessel (sterilizer 16) in order to form a leaktight cooking enclosure; at least one jaw (ends 30) mounted to move in translation by corresponding drive means (radial arms 26) between a position in which the lid (closure 10) is locked relative to the vessel (sterilizer 16), and an unlocking position (see Figures 1, 2); and a control device (38,42,24) for controlling the movement of the at least one jaw (ends 30), the control device comprising: an intermediate part (operating member 42) comprising at least one maneuvering means (grooves in operating member 42 in Figure 9) and clutch means (pins 58/ holes 63/surfaces 80, 90 of operating member 42 combination), and mounted to turn freely relative to the drive means (radial arms 26) so that the maneuvering means (operating member 42) co-operates with the drive means (radial arms 26) so as to control the displacement thereof (see Figures 1-9); and a main control member (handwheel 24/driving member 38 combination) comprising transmission means (grooves in driving member 38 in Figure 9), the main control member (handwheel 24/driving member 38 combination) being positioned relative to the intermediate part (operating member 42) so that the transmission means (grooves in driving member 38 in Figure 9) cooperates with the clutch means (pins 58/ holes

63/surfaces 80, 90 of operating member 42 combination) so as to control turning of the intermediate part (operating member 42) when the main control member (handwheel 24/driving member 38 combination) is actuated (see Figures 3-5c); the appliance being characterized in that wherein the main control member (handwheel 24/driving member 38 combination) is mounted to move in translation relative to the lid (closure 10).

With respect to the limitations of claim 3, Makhijani discloses the at least one jaw (ends 30) being mounted to move in a direction that is substantially radial (see Figures 1, 2).

With respect to the limitations of claim 4, Makhijani discloses the main control member (handwheel 24/driving member 38 combination) controlling rotation of the intermediate part (operating member 42) in a manner that is active in the locking direction and in the unlocking direction (see Figures 3-5c).

With respect to the limitations of claim 5, Makhijani discloses the clutch means (pins 58/ holes 63/surfaces 80, 90 of operating member 42 combination) being constituted by comprises a pinion (grooves in operating member 42 in Figure 9) mounted to be axially stationary on the intermediate part (operating member 42) (see Figures 3-5c).

With respect to the limitations of claim 6, Makhijani discloses the transmission means comprising a rack (grooves in driving member 38 in Figure 9) arranged on the main control member (handwheel 24/driving member 38 combination) to mesh laterally with the pinion (grooves in operating member 42 in Figure 9) (see Figures 3-5c).

With respect to the limitations of claim 8, Makhijani discloses the clutch means (pins 58/ holes 63/surfaces 80, 90 of operating member 42 combination) comprising a guide peg (pins 58) extending axially from the intermediate part (operating member 42) (see Figures 3-5c).

With respect to the limitations of claim 9, Makhijani discloses the transmission means (handwheel 24/driving member 38 combination) comprising at least one plane surface (ramp 74) extending obliquely relative to the radial direction (see Figures 5a-5c), and arranged in such a manner that movement in translation of the main control member (handwheel 24/driving member 38 combination) causes the guide peg (pins 58) to be engaged by the plane surface (ramp 74) which pushes against the guide peg (pins 58), thereby causing the intermediate part (operating member 42) to turn (transition between Figures 5b-5c).

With respect to the limitations of claim 10, Makhijani discloses the transmission means (handwheel 24/driving member 38 combination) comprising an oblong drive orifice (see Figures 5a-5c, 9) extending obliquely relative to the radial direction and co-operating with the guide peg (pins 58) in such a manner that a movement in translation of the control member (handwheel 24/driving member 38 combination) leads to a movement in rotation of the intermediate part (operating member 42) (see Figures 3-5c).

With respect to the limitations of claim 11, Makhijani discloses the intermediate part (operating member 42) being mounted to turn resiliently relative to the lid (closure

10) in such a manner that its resilient return position corresponds to at least one jaw (ends 30) being locked (see Figures 1-9).

With respect to the limitations of claim 12, Makhijani discloses the intermediate part (operating member 42) being mounted to turn resiliently against a compression spring (46) (see Figures 3-4).

With respect to the limitations of claim 13, Makhijani discloses the drive means includes at least one drive arm (radial arms 26) guided to move in translation relative to the lid (closure 10), and presenting an outer end (region on radial arms 26 adjacent ends 30) connected to the at least one respective jaw (ends 30) and an inner end (inner ends 44) for co-operating with the maneuvering means (operating member 42) (see Figures 1-4).

With respect to the limitations of claim 14, Makhijani discloses the inner end (inner ends 44) being provided with an axial guide stud (column 4, lines 4344; see Figures 3, 4).

With respect to the limitations of claim 18, Makhijani discloses the maneuvering means (operating member 42) comprising a link (bolt) having one of its ends connected to the drive means (radial arms 26) and having its other end connected to the intermediate part (operating member 42) (see Figures 3, 4).

With respect to the limitations of claim 19, Makhijani discloses drive means (radial arms 26) being mounted to slide resiliently relative to the lid (closure 10) in such a manner that its resilient return position corresponds to the at least one jaw (ends 30) being locked (see Figures 1, 2).

With respect to the limitations of claims 23 and 25, Makhijani discloses closure/opening safety means (combination keys 96,88/thin member 102/surface 101) having a position that is sensitive to the pressure or the temperature that exists inside the cooking enclosure, the safety means (combination keys 96,88/thin member 102/surface 101) being mounted to move between two stable abutment positions, a low abutment position in which the safety means puts the inside of the enclosure into communication with the outside below a predetermined internal pressure PO, and a high position in which it closes off communication between the enclosure and the outside when the pressure PO is reached, so as to allow the pressure inside the appliance to rise for cooking purposes (column 6, lines 20-33) (see Figures 3, 4).

With respect to the limitations of claim 24, Makhijani discloses the closure/opening safety means (combination keys 96, 88/thin member 102/surface 101) having a key (96) that has a rod. Therefore, Makhijani fully meets “the closure/opening safety means is a pressure-measuring rod” given its broadest reasonable interpretation.

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

9. Claims 1, 3, 4, 8-20 and 23-27 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Chen (U.S. Patent No. 6,257,124).

Chen discloses an appliance for cooking food under pressure (Title), the appliance comprising at least: a vessel (container 10) and a lid (cover 20) for being fitted to and locked on the vessel (container 10) in order to form a leaktight cooking

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enclosure; at least one jaw (313) mounted to move in translation by corresponding drive means (driving arms 31) between a position in which the lid (cover 20) is locked relative to the vessel (container 10), and an unlocking position (see Figures 3, 4); and a control device (32,36,33) for controlling the movement of the at least one jaw (313), the control device comprising: an intermediate part (rotary plate 33) comprising at least one maneuvering means (arcuate slots 331) and clutch means (assembly pins 330), and mounted to turn freely relative to the drive means (driving arms 31) so that the maneuvering means (arcuate slots 331) co-operates with the drive means (driving arms 31) so as to control the displacement thereof (see Figures 2-6); and a main control member (fixed frame 36) comprising transmission means (arc slots 361), the main control member (fixed frame 36) being positioned relative to the intermediate part (rotary plate 33) so that the transmission means (arc slots 361) cooperates with the clutch means (assembly pins 330) so as to control turning of the intermediate part (rotary plate 33) when the main control member (fixed frame 36) is actuated (see Figures 2-6); the appliance being characterized in that wherein the main control member (fixed frame 36) is mounted to move in translation relative to the lid (cover 10).

With respect to the limitations of claim 3, Chen discloses the at least one jaw (313) being mounted to move in a direction that is substantially radial (see Figures 3, 4).

With respect to the limitations of claim 4, Chen discloses the main control member (fixed frame 36) controlling rotation of the intermediate part (rotary plate 33) in a manner that is active in the locking direction and in the unlocking direction (see Figures 2-6).

With respect to the limitations of claim 8, Chen discloses the clutch means comprising a guide peg (assembly pins 330) extending axially from the intermediate part (rotary plate 33) (see Figures 2-6).

With respect to the limitations of claim 9, Chen discloses the transmission means (arc slots 361) comprising at least one plane surface extending obliquely relative to the radial direction (see Figures 2-4, 6), and arranged in such a manner that movement in translation of the main control member (fixed frame 36) causes the guide peg (assembly pins 330) to be engaged by the plane surface which pushes against the guide peg (assembly pins 330), thereby causing the intermediate part (rotary plate 33) to turn (see Figures 2-6).

With respect to the limitations of claim 10, Chen discloses the transmission means (arc slots 361) comprising an oblong drive orifice (see Figures 2-4, 6) extending obliquely relative to the radial direction and co-operating with the guide peg (assembly pins 330) in such a manner that a movement in translation of the control member (fixed frame 36) leads to a movement in rotation of the intermediate part (rotary plate 33) (see Figures 2-6).

With respect to the limitations of claim 11, Chen discloses the intermediate part (rotary plate 33) being mounted to turn resiliently relative to the lid (cover 20) in such a manner that its resilient return position corresponds to at least one jaw (313) being locked (see Figures 2-6).

With respect to the limitations of claim 12, Chen discloses the intermediate part (rotary plate 33) being mounted to turn resiliently against a compression spring (34) (see Figures 2-6).

With respect to the limitations of claim 13, Chen discloses the drive means includes at least one drive arm (driving arms 31) guided to move in translation relative to the lid (cover 20), and presenting an outer end (region on driving arms 31 adjacent jaws 313) connected to the at least one respective jaw (313) and an inner end (region on driving arms 31 adjacent jaws rotary plate 33) for co-operating with the maneuvering means (rotary plate 33) (see Figures 2-4, 6).

With respect to the limitations of claim 14, Chen discloses the inner end (region on driving arms 31 adjacent jaws rotary plate 33) being provided with an axial guide stud (engagement posts 311; see Figures 2-4, 6).

With respect to the limitations of claim 15, Chen discloses the maneuvering means (arcuate slots/rotary drivers 331) comprising at least one ramp-forming surface (surface of arcuate slots 331) extending obliquely relative to the radial direction (see Figures 2-4, 6), and arranged in such a manner that when the intermediate part (rotary plate 33) turns, the ramp-forming surface (surface of arcuate slots 331) engaging the corresponding axial guide stud (engagement posts 311) and pushes it, thereby causing the drive means (driving arms 31) to move (see Figures 2-6).

With respect to the limitations of claim 16, Chen discloses the maneuvering means (arcuate slots/rotary drivers 331) comprising at least one oblong maneuvering slot (rotary drivers 331) arranged in the thickness of the intermediate part (rotary plate

33) to engage the corresponding axial guide stud (12A, 12B) in such a manner that turning the intermediate part (engagement posts 311) causes the drive means (driving arms 31) to move (see Figures 2-6).

With respect to the limitations of claim 17, Chen discloses the intermediate part (rotary plate 33) being a control-wheel-forming plate having as many lugs (assembly pins) as there are jaws (313), and in which the oblong maneuvering slots (rotary drivers 331) are formed.

With respect to the limitations of claim 18, Chen discloses the maneuvering means (arcuate slots/rotary drivers 331) comprising a link (engagement posts 311) having one of its ends connected to the drive means (driving arms 31) and having its other end connected to the intermediate part (rotary plate 33) (see Figures 2-4, 6).

With respect to the limitations of claim 19, Chen discloses drive means driving arms 31) being mounted to slide resiliently relative to the lid (cover 20) in such a manner that its resilient return position corresponds to the at least one jaw (313) being locked (see Figures 2-4, 6).

With respect to the limitations of claim 20, Chen discloses the main control member (fixed frame 36) is dynamically coupled with a secondary control member (knob 32) mounted to move on the lid (cover 20) in a substantially axial direction, the secondary control member (knob 32) being suitable for causing the drive means (driving arms 31) to move in the locking direction (see Figures 2-6).

With respect to the limitations of claims 23-25, Chen discloses safety button (35) being provided on the cover (20) and extending through the body (21), the driving arms

(31) and the outer hood (23). Chen further discloses the safety button (35) being lifted upward by air pressure preventing a user from turning the knob (32).

With respect to the limitations of claims 26 and 27, Chen discloses the main control member (fixed frame 36) and the secondary control member (knob 32) being rotated/pushed by a user's hand. Therefore, Chen fully meets the limitations of claims 26 and 27 given its broadest reasonable interpretation.

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Joint Inventors – Common Ownership Presumed

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makhijani (U.S. Patent No. 4,467,936) in view of Singh et al. (U.S. Patent No. 4,307,818).

Makhijani discloses all of the limitations of the claimed invention, as previously set forth, except for the main control member being mounted to move in a direction that is substantially radial.

However, a main control member being is mounted to move in a direction that is substantially radial is known in the art. Singh et al., for example, teach a main control member (handle 52) being secured to a hub (26) by screws (54) (column 3, lines 42-43; see Figures 4, 5) The screws (54) permit the handle (52) being mounted to move in a direction that is substantially radial. Such a configuration provides the ability to exchange and/or repair damaged handles, thereby increasing the operational longevity of the pressure device. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Makhijani with the screw attached of the

handles of Singh et al. in order to provide the ability to exchange and/or repair damaged handles, thereby increasing the operational longevity of the pressure device.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makhijani (U.S. Patent No. 4,467,936) in view of Potter et al. (U.S. Patent No. 5,643,485).

Makhijani discloses all of the limitations of the claimed invention, as previously set forth, except for the main control member and extending in the translation direction thereof, and, together with a gearwheel mounted stationary relative to the lid and meshing perpendicularly with the pinion, the gearwheel having a central tapped hole co-operating with the worm screw so that movement in translation thereof causes the gearwheel to move in rotation.

However, a control member of pressure pot having a worm screw in cooperation with a gearwheel is known in the art. Potter et al., for example, teach a pressure pot cooking apparatus comprising a worm screw (worm gear 352) and gear wheel (knurled screwhead 350) combination (column 12, lines 52-65). Potter et al. further teach that such a configuration provides a means to adjust/vary the separation between various elements within a cooking apparatus (column 20, claims 47-48). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the main control member of Makhijani with the worm screw/gearwheel combination of Potter et al. in order to provide a means to adjust/vary the separation between various elements within a cooking apparatus, thereby improving the over flexibility/flexibility of the cooking apparatus.

14. Claims 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Patent No. 6,257,124) in view of Chameroy et al. (U.S. Patent No. 5,613,424).

Chen further discloses the control device (32,36,33) for controlling movement of the at least one jaw (313) including reversible blocking means (spring hole 333) for locking the drive means (driving arms 31) in the unlocking position (column 4, lines 3-8).

Chen discloses all of the limitations of the claimed invention, as previously set forth, except for a secondary control member including release means for causing the reversible blocking means to be released.

However, a secondary control member including release means for causing the reversible blocking means to be released is known in the art. Chameroy et al. for example, teach a control button (52) including at its lower part an activation finger 53 provided with an inclined activation surface (54). Chameroy et al. further teach the advantage of such a configuration provides a means to engage, during depression of the control button (52), a complementary engagement surface (55) provided on an element of choice (column 5, lines 23-36), thereby easing the activation/deactivation of an element. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chen with the push button functionality of Chameroy et al. in order to provide a means to engage, during depression of the control button, a complementary engagement surface provided on an element of choice (column 5, lines

23-36) easing the activation/deactivation of an element, thereby simplifying the use of the apparatus.

15. Claims 28 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Patent No. 6,257,124) in view of Chan et al. (U.S. Patent No. 6,019,029).

Chen further discloses the lid (cover 20) presents comprises an inside face (inner surface of body 21) facing towards the inside of the cooking enclosure and an opposite, outside face (outer surface of body 21); a vertical assembly pin (rod inside of knob 32) about which the control wheel-forming plate (rotary plate 33) having the oblong maneuvering slots (arcuate slots/rotary drivers 331) is mounted to turn freely; and an opening pusher (knob 32).

Chen discloses all of the limitations of the claimed invention, as previously set forth, except for outside face having mounted thereon a mechanism plate; and respective corresponding rectilinear oblong slots to the oblong maneuvering slots formed radially in the mechanism plate to define two engagement openings for each of the guide studs; and the mechanism plate (13) being fitted and releasably secured to the cover (20).

However, a mechanism plate mounted on the outside of a lid having rectilinear oblong slots correlating to maneuvering slots below being removed and controlling the locking and unlocking positions is known in the art. Chan, for example teaches a cover (10) having maneuvering slots (17) on a cage (14) with a plate (18) having correlating slots (apertures 20) (see Figures 1-5). Chan further teaches that such a configuration

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provides the ability to prevent radial outward movement of each jaw (column 2, lines 36-39), thereby firmly securing the jaws in their locking position. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chen with the mechanism plate of Chan in order to provide further prevention of movement of each jaw, thereby firmly securing the jaws in their locking position.

Prior Art

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

European Publication No. EP 1029483 A1 to Morando is a teaching of cover for a pressure pot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Ralis whose telephone number is 571-272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Stephen J Ralis/
Examiner, Art Unit 3742

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742

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SJR
April 18, 2008